

REMARKS

Claim 51 has been amended to cure the informalities objection.

Claim 64 has been amended to call for a cache to store content and two advertisements and, a shell to select an advertisement and to find a place to insert the selected advertisement in the cached content before it continues to be output for display.

Through the use of the cached content, it is possible to determine where to fit a selected advertisement into the content in an effective fashion. Without such a system (which enables a decision in advance of how to position the selected advertisement into the content), it would be extremely difficult, if not impossible, to accurately position the advertisement within the content stream at the correct location. By the time it was decided where to put the content in, the content being displayed would already have moved to a different portion of the display.

In Zigmond the insertion is done as the content is being displayed. A switch is simply used to interrupt the content and to begin the display of the advertisement. No caching system is provided which would enable the decision of how to fit a selected advertisement into the content to be made effectively in advance. In other words, since there is no caching of the content stream, there is no ability to find a fit for a selected advertisement before the content continues to be output for display.

While there are various caches that are disclosed within the Zigmond reference, these caches are either for the advertisement itself or for an electronic programming guide. For example, one storage location may include viewer and system information such as the content of the video programming feed. But, the content of the television programs carried on the feed is identified through an electronic program database or a closed captioning signal. Thus, there is no caching of the video programming feed into which an advertisement will be inserted.

Under similar analysis, claims 44 and 54 are also distinguished over Zigmond.

The Office action includes several instances of taking Official Notice. Each instance is traversed; support is requested. In particular, Official Notice taken with

respect to claim 68 is traversed. The examiner does not expressly allege and has not provided evidence that it would be obvious to modify Zigmond to parse instructions for how to store content such as a television program. Zigmond simply does not cache the video feed with the television programming. Therefore, reconsideration of the rejection is requested.

In view of the amendments and remarks herein, the application is believed to be in condition for allowance. The examiner's prompt action in accordance therewith is respectfully requested. The commissioner is authorized to charge any additional fees, including extension of time fees, or credit any overpayment to Deposit Account No. 20-1504(ITL.0472US).

Respectfully submitted,

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